IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2101 OF 2005

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Maruti Raghunath Gaikwad ...Applicant

v/s.

The State of Maharashtra ...Respondent

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Mr.Suhas Manohar Oak for the Applicant.

Mr.K.V.Saste, APP for the State.

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CORAM: A.M.KHANWILKAR,J.

DATED: 4TH APRIL,2005

P.C.:

1. Heard the learned Counsel for the parties. Perused the record. I see no reason to depart from the conclusion reached by the court below in rejecting the bail application preferred by the present Applicant. The court below has rightly observed that besides blood stains noticed on the clothes of the accused when arrested, he has also led to the recovery of weapons used in the commission of offence. The court below has also rightly observed that presence of 53 injuries itself is sufficient and speaks about the nature, manner and extent of assault on the deceased. The argument that the Applicant was not subjected to identification parade or has not been identified by the child eye-witness Tejas does not mean that there is no evidence at all against the Applicant. For the time being, for considering the bail application, the evidence which is already on record, in my opinion, is sufficient to implicate the Applicant in the commission of the crime, which is a serious one. In these circumstances, this application fails and is dismissed.

2. The trial Judge is, however, directed to expedite the hearing of the case as High Court expedited case, preferably within six months from the receipt of writ of this order.

3. It is made clear that observations made in this order shall not influence the trial court while considering the case on merits.

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